SDMS US EPA REGION V -1

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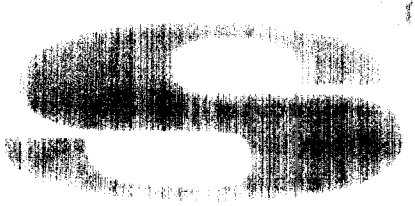
COMMUNITY SERVICES BULLETIN



No. 57

May 7, 1974

CALIFORNIA

The EPA has promulgated a Transportation Control Plan for California (38 FR 31232, November 12, 1973) including a number of provisions which have an impact on our industry.

A. A complete "Rule 66" type regulation has been imposed on the San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Interstate Air Quality Regions. In the case of the San Francisco Bay Area this would impose Rule 66 on top of Regulation 3, the local pollution control regulation still in effect.

The compliance date for this regulation is March 31, 1974, except as follows:

1. 3000 pound limit on total emission on nonphotochemically reactive solvents becomes effective after August 31, 1976.

2. The exemption for high solids coatings (i)(6)(i) allows the use of 30% by volume of organic solvent until January 1, 1977. After this date the solvent portion may not exceed 20% by volume.

3. Architectural coatings must be in compliance on or before January 1, 1975.

This regulation also differs from Los Angeles Rule 66 in that the stipulation that the "organic solvent does not come into contact with flame" as required in the water borne exemption (i)(5)(iv), and a similar restriction for high solids coatings (i)(6)(iii) applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this regulation.

B. Exemptions for water borne coatings and high solids coatings added to Rule 66 of San Diego County. These exemptions also include the provision that the flame contact requirement only applies to new or modified construction after the effective date. In addition, the high solid exemption allows the use of 30% by volume of organic solvent until January 1, 1977.

The effective date for the addition of these exemptions to San Diego Rule 66 is January 1, 1975.

C. A new provision (Metal surface coating thinner and reducer)(52.253) has been added to the regulations applicable in Metropolitan Los Angeles, San Diego, San Joaquin and Sacramento Valleys and San Francisco Bay Area Interstate Air Quality Control Regions.

This section requires that the composition of the organics in any metal surface coating thinners and reducers that are manufactured after January 1, 1975 and are used in the above Regions must be nonphotochemically reactive solvents. After July 1975 the composition of these thinners and reducers used in the Region must be nonphotochemically reactive.

This requirement includes a provision which states that if an adequate supply of the necessary solvents needed to manufacture these thinners and reducers is unavailable and proper evidence is presented to the Administrator, appropriate extentions of time may be granted to the compliance dates of this section.

The appropriate sections of this EPA imposed regulation (52.253, 52.254, 52.260) are attached for your review.

MASSACHUSETTS

As part of an EPA Transportation Control Plan for the Boston Interstate Region the EPA has imposed a "Rule 66" type regulation for control of hydrocarbon emissions from stationary sources. This particular version of "Rule 66" does not include the 3000 pound limit on nonphotochemically reactive materials. It does include as part of the water borne and high solids exemptions the restriction that the organic solvent does not come in contact with flame.

The restriction on the sale or use of architectural coatings within the Boston Interstate Region becomes effective on or before January 1, 1975. This provision requires that architectural coatings sold in containers of one quart capacity or larger must contain nonphotochemically reactive solvents.

On February 8, 1974 the EPA announced that the compliance dates originally specified in this regulation would be revised and the state of Massachusetts had agreed to take over the implementation of this regulation. The new amended Federal compliance schedule 52.1174 will be found on page 4881 of the Federal Register dated February 8, 1974 (Copy attached)

The appropriate portions of the Massachusetts Transportation Control Plan affect organic solvent use. (Sections 52.1145 thru 52.1147 are attached for your review.)

COLORADO

The EPA has imposed an organic solvent usage control regulation on the Metropolitan Denver Intrastate Air Quality Control Region. This regulation is also a "Rule 66" type regulation. Included in this regulation is a 3000 pound limit on the total emission of nonphotochemically reactive solvents. This section (p) becomes effective after May 31, 1975. In addition, this regulation, as part of the water borne and high solids exemptions, requires that "the organic solvent does not come into contact with flame."

The federal compliance schedule (52.338) effective for those portions of this regulation controlling organic solvent emissions requires that a control plan be submitted by December 17, 1973 with subsequent dates for assigning of contracts, initiation of construction, and completion of construction leading to a final compliance date of May 31, 1975.

The appropriate sections of this Transportation Control Plan (52.333 and 52.338) are attached.

STATE OF COLORADO

Concurrent with the above EPA action for the State of Colorado the State Air Pollution Control Commission has published Regulation 7, "Regulation to Control the Emissions of Hydrocarbon Vapors." This state regulation also follows the format of "Rule 66". The 3000 pound limit on nonphotochemically reactive solvent is effective after December 31, 1974. Section G8(e) is a composite of the water borne and high solids exemptions. This section is a rewording of the typical water borne and high solids exemptions and imposes the "direct contact with flame" provision only on new or substantially modified equipment. This regulation becomes effective on November 28, 1973 for new sources and will become effective December 31, 1974, for existing sources except that compliance schedules and permit applications for existing sources must be submitted prior to March 1, 1974. (Copy attached)

Until such time as the State of Colorado submits this Regulation 7 to the EPA and it is approved the EPA imposed regulation (discussed above) remains in effect.

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CALIFORNIA

§ 52.253 Metal surface coating thinner and reducer.

(a) All terms defined in § 52.254 are used herein with the meanings so defined.

(b) This section is applicable in the Metropolitan Los Angeles, San Diego, San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the "Regions").

(c) The composition of the organics in all metal surface coating thinners and reducers that are manufactured after January 1, 1975, and are used in the Regions, shall conform to paragraph (k) of § 52.254 so as to be defined as a non-photochemically reactive solvent.

(d) After July 1975, the composition of the organics in all metal surface coating thinners and reducers that are used in the Regions, shall conform to paragraph (k) of § 52.254 so as to be defined as a non-photochemically reactive solvent.

(e) If there is an inadequate supply of necessary solvent ingredients needed in the manufacture of metal surface coating thinners and reducers for the purpose of meeting the composition requirements of this section in the time constraint required by this section; then evidence of such a supply inadequacy must be presented to the Administrator by the manufacturers of the metal surface coating thinners and reducers, so that the Administrator may grant to the industry an appropriate implementation time extension for meeting the requirements of this section, if and as warranted by the evidence presented.

§ 52.254 Organic solvent usage.

(a) This section is applicable in the San Joaquin Valley, Sacramento Valley, and San Francisco Bay Area Intrastate Air Quality Control Regions (the "Regions").

(b) No person shall discharge into the atmosphere more than 15 pounds of organic materials in any 1 day or more than 3 pounds in any 1 hour from any article, machine, equipment, or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(c) A person shall not discharge to the atmosphere more than 40 pounds of organic materials in any 1 day or more than 8 pounds in any 1 hour from any article, machine, equipment, or other contrivance used under conditions other than those described in paragraph (b) of this section for employing or applying any photochemically reactive solvent, as defined in paragraph (k) of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air- or heated-drying of products for the first 12 hours after their removal from any article, machine, or other contrivance described in this section shall be included in determining compliance with this paragraph. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations de-

scribed in this section shall be collectively subject to compliance with this section.

(d) A person shall not, after August 31, 1976, discharge into the atmosphere more than 3,000 pounds of organic materials in any 1 day or more than 450 pounds in any 1 hour from any article, machine, equipment, or other contrivance in which any non-photochemically reactive organic solvent or any material containing such a solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air- or heated-drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (b) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials in the course of using operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the cleaning with photochemically reactive solvent, as defined in paragraph (k) of this section, of any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section, shall be included with the other emissions of organic materials for determining compliance with this rule.

(f) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section, shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods outlined in paragraph (f) (1) or (2) of this section.

(g) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(h) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(i) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The use of equipment for which other requirements are specified by rules or which are exempted from air pollution control requirements by applicable rules affecting the storage of petroleum products, effluent oil-water separators, and the transfer of gasoline.

(3) The spraying or other employment of insecticides, pesticides, or herbicides.

(4) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(5) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such materials consists only of water and organic solids, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

This last stipulation applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this section.

(6) The use of any material in any article, machine, equipment or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 30 percent by volume of said material; this to be effective until January 1, 1977. After January 1, 1977, the organic solvent content of such material must not exceed 20 percent by volume of said material.

(ii) The volatile content is not photochemically reactive as defined in paragraph (k) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame. This last stipulation applies only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this section.

(j) For the purposes of this section, organic solvents include diluents, thinners, and reducers and are defined as organic materials that are liquids at standard conditions and are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials exhibiting a boiling point higher than 220° F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

(k) For the purpose of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation; 5 percent;

(2) A combination of aromatic compounds with 8 or more carbon atoms to the molecule except ethylbenzene, phenyl acetate, and methyl benzoate; 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(l) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, and ammonium carbonate.

(m) Architectural coatings and their use shall conform to the following requirements, on or before January 1, 1977:

(1) A person shall not sell or offer for sale or use in the areas in which this section applies, in containers of 1-quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(2) A person shall not employ, apply, evaporate, or dry in the areas in which this section applies, any architectural coating purchased in containers of 1-quart capacity or larger containing photochemically reactive solvent, as defined in paragraph (k) of this section.

(3) A person shall not thin or dilute any architectural coating with a photochemically reactive solvent, as defined in paragraph (k) of this section.

(4) For the purpose of this section, an architectural coating is defined as a coating used for residential or commercial buildings and their appurtenances, or for industrial buildings.

(n) A person shall not during any one day dispose of a total of more than 1.5 gallons of any photochemically reactive solvent as defined in paragraph (k) of this section, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(o) Compliance schedule. (1) Except where other final compliance dates are provided in this section, the owner or operator of any stationary source subject to this section shall comply with this section on or before March 31, 1974. In any event:

(i) Any owner or operator in compliance with this section on the effective date of this section shall certify such compliance to the Administrator no later

than 120 days following the effective date of this section.

(ii) Any owner or operator who achieves compliance with this section after the effective date of this section shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(p) Any owner or operator of a stationary source subject to paragraph (o)(1) of this section may, not later than 120 days following the effective date of this section, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with the provisions in paragraph (o)(1) of this section as expeditiously as practicable but no later than July 31, 1975. The compliance schedule shall provide for increments of progress toward compliance. The dates for achievement of such increments of progress shall be specified. Increments of progress shall include, but not be limited to: Submittal of a final control plan to the Administrator; letting of necessary contracts for construction or process changes or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification and final compliance.

(q) Any owner or operator who submits a compliance schedule pursuant to this section shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

CALIFORNIA

§ 52.260 Organic solvent usage. (Federal regulation adding to and replacing parts of Rule 66 of San Diego County)

(a) This section is applicable in that portion of San Diego County contained within the San Diego Intrastate Air Quality Control Region. This section is effective as of January 1, 1975.

(b) Rule 66 of San Diego County as contained in the local air pollution control district regulations for the San Diego County is hereby incorporated by reference in this plan and is amended by replacing subparagraph (1)(5), and adding in place thereof subparagraphs (5), (6), and (7). The amendment is as follows:

(5) The use of any material, in any article, machine, equipment, or other contrivance described in sections (a), (b), (c), or (e), if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent of volume of said bulk content, and

(iii) The volatile content is not photochemically reactive as defined in section (n), and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame. This requirement is to be effective only for those articles, machines, equipment or contrivances covered by this regulation, and that are constructed or modified after the effective date of this regulation.

(6) The use of any material in any article, machine, equipment, or other contrivance described in sections (a), (b), (c), or (e) if:

(i) The organic solvent content of such material does not exceed 80 percent by volume of said bulk content. This is to be effective until January 1, 1977. After such date the organic solvent content of such material must not exceed 20 percent by volume.

(ii) The volatile content is not photochemically reactive as defined in section (n), and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame. This requirement is to be effective only for those articles, machines, equipment, or contrivances that are constructed or modified after the effective date of this regulation.

(7) A person shall not during any one day dispose of a total of more than 1.5 gallons of any photochemically reactive solvent, as defined in paragraph (n) of this rule, or of any such photochemically reactive solvent, by any means that will permit the evaporation of such solvent into the atmosphere.

MASSACHUSETTS

§ 52.1145 Regulation on organic solvent use.

(a) Definitions:

(1) "Organic solvents" include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents, except that such materials which exhibit a boiling point higher than 220° F. at 0.5 millimeters of mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220° F.

(2) "Solvent of high photochemical reactivity" means any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations in reference to the total volume of solvent:

(i) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cycloolefinic type of unsaturation: 5 percent;

(ii) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of total volume of solvents.

(3) "Organic materials" are chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(b) This section is applicable throughout the Boston Intrastate Region. The requirements of this section shall be in effect in accordance with § 52.1147.

(c) No person shall cause, allow, suffer, or permit the discharge into the atmosphere more than 15 pounds of organic materials in any 1 day, nor more than 3 pounds of organic materials in any 1 hour, from any article, machine, equipment, or other contrivance, in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

(d) No person shall cause, suffer, allow, or permit the discharge into the atmosphere more than 40 pounds of organic materials in any 1 day, nor more than 8 pounds in any 1 hour, from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (c) of this section for employing, or applying any solvent of high photochemical reactivity or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first

12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in paragraph (c) of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire that emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

(e) Emissions of organic materials to the atmosphere from the clean-up with a solvent of high photochemical reactivity, or any article, machine, equipment, or other contrivance described in paragraph (c) or (d) or in this paragraph, shall be included with the other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(f) No person shall cause, suffer, allow, or permit during any one day disposal of a total of more than 1.5 gallons of any solvent of high photochemical reactivity, or of any material containing more than 1.5 gallons of any such photochemically reactive solvent by any means that will permit the evaporation of such solvent into the atmosphere.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraph (c) or (d) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is converted to carbon dioxide, or

(2) Adsorption, or

(3) Processing in a manner determined by the Governor or his designee to be no less effective than either of the above methods.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this rule shall provide, properly install and maintain in calibration, in good working order, and in operation, devices as specified in the authority to construct, or as specified by the Governor or his designee, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Governor or his designee, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(j) The provisions of this rule shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons or perchloroethylene.

(4) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) if:

(i) The volatile content of such material consists only of water organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The volatile content is not a solvent of high photochemical reactivity as defined in paragraph (a) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraph (c), (d), or (e) of this section if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) The volatile content is not a solvent of high photochemical reactivity, and

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment, or other contrivance described in paragraphs (c), (d), or (e) if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The volatile content is not a solvent of high photochemical reactivity, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

§ 52.1146 Regulation on architectural coatings.

(a) "Architectural coating" means a coating used for buildings and their appurtenances.

(b) This regulation is applicable within the Boston Intrastate Region. All sources subject to this section shall be in compliance with paragraphs (c), (d), and (e) of this section on or before January 1, 1975.

(c) No person shall sell or offer for sale, for use within the Boston Intrastate Region, in containers of 1 quart capacity or larger, any architectural coating containing a solvent of high photochemical reactivity as defined in § 52.1145(a)(2).

(d) No person shall employ, apply, evaporate, or dry any architectural coating purchased in containers of 1 quart capacity or larger, containing a solvent of high photochemical reactivity.

(e) No person shall thin or dilute any architectural coating with a solvent of high photochemical reactivity.

§ 52.1147 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of a source subject to regulation under paragraph (c)(1) of § 52.1144 and § 52.1145 shall comply with the increments of progress contained in the following schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to January 1, 1974.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to March 15, 1974.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin prior to July 15, 1974, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be January 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to April 15, 1975, except for purposes of paragraph (c)(1) of § 52.1144, the applicable date shall be February 1, 1976.

(5) Final compliance is to be achieved prior to Mal 31, 1975, except for sources subject to paragraph (c)(1) of § 52.1144 of this subpart. Final compliance for sources subject to paragraph (c)(1) of § 52.1144 of this subpart is to be achieved by March 1, 1976.

(6) Any owner or operator of stationary sources subject to compliance schedule in this subparagraph shall certify to the Administrator within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (c)(1) of § 52.1144 which installs a storage tank after October 15, 1973, shall comply with such paragraph by March 1, 1976. Any facility subject to such paragraph which installs a storage tank after March 1, 1976 shall comply with such paragraph at the time of installation.

(b) Except as provided in paragraph (d) of this section, the owner or operator of a source subject to paragraph (d)(1) of § 52.1144 shall comply with the increments of progress contained in the following compliance schedule:

(1) Final control plans for emission control systems or process modifications must be submitted prior to February 1, 1974.

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modification prior to June 1, 1974.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin not later than January 1, 1975.

(4) On-site construction or installation of emission control equipment or process modification must be completed prior to May 1, 1977.

(5) Federal compliance is to be achieved prior to May 31, 1977.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this subparagraph shall cer-

tify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(7) Any gasoline dispensing facility subject to paragraph (d)(1) of § 52.1144 which installs a gasoline dispensing system after the effective date of this regulation shall comply with the requirements of such paragraph by May 31, 1977. Any facility subject to such paragraph which installs a gasoline dispensing system after May 31, 1977, shall comply with such paragraph at the time of installation.

(c) Paragraph (a) of this section shall not apply:

(1) To a source which is presently in compliance with all requirements of paragraph (c)(1) of § 52.1144 and § 52.1145 of this subpart and which has certified such compliance to the Administrator by January 1, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the Commonwealth and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by January 1, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Paragraph (b) of this section shall not apply.

(1) To a source which is presently in compliance with paragraph (d)(1) of § 52.1144 of this subpart and which has certified such compliance to the Administrator by April 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator by April 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

(e) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraphs (a) or (b) of this section fails to satisfy and requirements of 40 CFR 51.15(b) and

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Subpart W—Massachusetts

§ 52.1147 [Amended]

42. In § 52.1147(a) subparagraphs (1), (2), and (3) are revised to read as follows:

(1) Final control plans for emission control systems or process modifications must be submitted on or before June 1, 1974, for sources subject to § 52.1144(c), (1) and on or before March 1, 1974, for sources subject to § 52.1145.

(2) Contracts for emission control systems or process modifications must be awarded, or orders must be issued for the purchase of component parts to accomplish emission control or process modifications on or before November 1, 1974, for sources subject to § 52.1144(c), (1) and on or before July 1, 1974, for sources subject to § 52.1145.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin on or before January 1, 1975, for sources subject to § 52.1144(c), (1) and on or before August 15, 1974, for sources subject to § 52.1145.

43. In § 52.1147(b), (1) the date "February 1, 1974" is revised to read "June 1, 1974."

44. In § 52.1147(b), (2) the date "June 1, 1974" is revised to read "November 1, 1974."

45. In § 52.1147(c), (1) the date "January 1, 1974" is revised to read "June 1, 1974."

46. In § 52.1147(c) subparagraph (3) is revised to read as follows:

(3) To a source subject to § 52.1144 (c), (1) whose owner or operator submits to the Administrator by June 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after March 1, 1976. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

47. In § 52.1147(c), subparagraph (4) is added to read as follows:

(4) To a source subject to § 52.1145 whose owner or operator submits to the Administrator by May 1, 1974, a proposed alternative compliance schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator, such schedule shall satisfy the requirements of this paragraph for the affected source.

48. In § 52.1147(d) (1) the date "April 15, 1974" is revised to read "June 1, 1974."

49. In § 52.1147(d) (2) the dates "April 15, 1974" and "May 31, 1975" are revised to read "June 1, 1974" and May 31, 1977 respectively.

§ 52.333 Organic solvent usage.

(a) This section is applicable in the Metropolitan Denver Intrastate Air Quality Control Region. Compliance with the requirements of paragraphs (b) through (i) of this section shall be in accordance with the provisions of § 52.338.

(b) No person shall discharge more than 15 pounds of organic materials into the atmosphere in any one day nor more than 3 pounds in any one hour from any article, machine, equipment or other contrivance in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat polymerized, in the presence of oxygen, unless all organic materials discharged from such article, machine, equipment, or other contrivance have been reduced by at least 85 percent overall.

(c) No person shall discharge more than 40 pounds of organic material into the atmosphere in any one day or more than 8 pounds in any one hour from any article, machine, equipment, or other contrivance used under conditions other than described in paragraph (b) of this section for employing, applying, evaporating, or drying any photochemically reactive solvent, as defined in paragraph (1) of this section, or material containing such solvent, unless all organic materials discharged from such article, machine, equipment, or other contrivance have been reduced by at least 85 percent overall.

(d) Any series of articles, machines, equipment, or other contrivances designed for processing a continuously moving sheet, web, strip, or wire which

is subjected to any combination of operations described in paragraphs (b) and (c) of this section involving any photochemically reactive solvent as defined in paragraph (j) of this section, or material containing such solvent, shall be subject to compliance with paragraph (c) of this section. Where only non-photochemically reactive solvents or materials containing only non-photochemically reactive solvents are employed or applied, and where any portion or portions of said series of articles, machines, equipment, or other contrivances involves operations described in paragraph (b) of this section, said portions shall be collectively subject to compliance with paragraph (b) of this section.

(e) Emissions of organic materials to the atmosphere from the cleanup with photochemically reactive solvent, as defined in paragraph (l) of this section, of any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section.

(f) Emissions of organic materials into the atmosphere as a result of continuous drying of products during the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in paragraphs (b), (c), or (d) of this section shall be included with other emissions of organic materials from that article, machine, equipment or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (b), (c), or (d) of this section shall be controlled by:

(1) Incineration: *Provided*, That 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide,

(2) Adsorption, or

(3) Processing in a manner determined by the Administrator to be not less effective than the methods described in paragraphs (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified in the authority to construct or the permit to operate, or as specified by the Administrator, for indicating temperatures, pressures, rates of flow or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic solvents or any materials containing organic solvents shall supply the Administrator, upon request and in the manner and form prescribed by him written evidence of the chemical composition, physical properties and amount consumed for [illegible].

(j) The provisions of this section shall not apply to:

(1) The manufacture, transport or storage of organic solvents or materials containing organic solvents.

(2) The spraying or other employment of insecticides, pesticides, or herbicides.

(3) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons, 1,1,1-trichloroethane, or perchloroethylene.

(4) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents,

(ii) The organic solvents comprise not not more than 20 percent by volume of said volatile content,

(iii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(5) The use of any material in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material,

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section,

(iii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iv) The organic solvent or any material containing organic solvent does not come into contact with flame.

(6) The use of any material, in any article, machine, equipment, or other contrivance described in paragraphs (b), (c), (d), or (e) of this section, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material,

(ii) The volatile content is not photochemically reactive as defined in paragraph (l) of this section, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame.

(k) For the purposes of this section, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(l) For the purposes of this section, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

(1) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(2) A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene, 8 percent;

(3) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene, 20 percent.

(m) Whenever any organic solvents or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

(n) For the purpose of this section, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates, and ammonium carbonate.

(o) This section shall be effective on the date of its adoption for any article, machine, equipment, or other contrivance not then completed and put into service. As for all other articles, machines, equipment, or other contrivances, compliance shall be required in accordance with § 52.936.

(p) A person shall not, after May 31, 1975, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day nor more than 450 pounds in any one hour from any article, machine, equipment, or other contrivance in which any non-photochemically reactive solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing continuous web, strip, or wire which emit organic materials and using operations described in this section shall be collectively subject to compliance with this section.

§ 52.338 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.331, 52.332, 52.333, 52.334, and 52.335 shall comply with the compliance schedule in paragraph (b) of this section.

(b) Compliance schedule:

(1) *December 17, 1973.* Submit to the Administrator a final control plan, which describes, at a minimum, the steps which will be taken by the source to achieve compliance with the sections cited in paragraph (a) of this section.

(2) *February 16, 1974.* Negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) *July 1, 1974.* Initiate on-site construction or installation of emission control equipment or process modification.

(4) *May 1, 1975.* Complete on-site construction or installation of emission control equipment or process modification.

(5) *May 31, 1975.* Assure final compliance with the sections cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply:

(1) To a source which is presently in compliance with the regulations cited in paragraph (a) of this section and which has certified such compliance to the Administrator by December 15, 1973. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) To a source for which a compliance schedule is adopted by the State and appoved by the Administrator.

(3) To a source whose owner or operator submits to the Administrator, by December 15, 1973, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this paragraph for the affected source.

(d) Nothing in this paragraph shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15 (b) and (c) of this chapter.

COLORADO
REGULATION NO. 7

Regulation to Control the Emissions of Hydrocarbon Vapors

A.

1. Sections F and G shall apply Statewide.

2. Sections B, E, H, I, and J, shall apply only to designated air pollution control areas.

3. Sections C and D shall apply only to the designated Denver-Metro air pollution control area.

4. All references to designated air pollution control areas, throughout this regulation, shall be as shown on page 1.13 of the Commission Regulation No. 1.

G. ORGANIC SOLVENTS:

1. No person may discharge into the atmosphere more than 15 pounds of organic materials in any one day, nor more than 3 pounds thereof in any one hour, from any article, machine, equipment or other contrivances in which any organic solvent or any material containing organic solvent comes in contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen, unless said discharge has been reduced by at least 85 percent. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and use operations described in this subsection 1 shall be collectively subject to compliance with this subsection.

2. No person may discharge into the atmosphere more than 40 pounds of organic materials in any one day, nor more than 8 pounds in any one hour, from any article, machine, equipment, or other contrivance used under conditions other than described in section 1, for employing, or applying, any photochemically reactive solvent, as defined in subsection 10 of this section, or material containing such photochemically reactive solvent, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section G shall be included in determining compliance with this section. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in subsection 1 of this section shall be excluded from determination of compliance with this section. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and use operations described in this subsection 2 shall be collectively subject to compliance with this subsection 2.

3. No person may, after December 31, 1974, discharge into the atmosphere more than 3,000 pounds of organic materials in any one day, nor more than 450 pounds in any one hour, from any article, machine, equipment, or other contrivance in which any non-photochemically reactive organic solvent or any material containing such solvent is employed or applied, unless said discharge has been reduced by at least 85 percent. Emissions of organic materials into the atmosphere resulting from air or heated drying of products for the first 12 hours after their removal from any article, machine, equipment, or other contrivance described in this section G shall be included in determining compliance with this subsection 3. Emissions resulting from baking, heat-curing, or heat-polymerizing as described in subsection 1 of this section shall be excluded from determination of compliance with this subsection. Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire which emit organic materials and use operations described in this subsection 3 shall be collectively subject to compliance with this section.

4. Emissions of organic materials to the atmosphere from the clean-up, with photochemically reactive solvent as defined in subsection 10 of this section, of any article, machine, equipment, or other contrivance described in subsections 1, 2, or 3, of this section G shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section G.

5. Emissions of organic materials into the atmosphere required to be controlled by subsections 1, 2, and 3 of this section G shall be reduced by:

   (a) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide,

   (b) Adsorption, or

   (c) Processing in a manner to be not less efficient than (a) or (b) above, provided said processing and equipment, as documented, is submitted to and approved by the Division.

6. A person processing organic materials pursuant to this section G shall provide, properly installed, in good working order, and properly maintained devices as specified in the authority to construct and the permit to operate, or as otherwise specified by the Division, for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

7. Any person using organic solvents or any materials containing organic solvents shall supply the Division, upon request and in the manner and form prescribed by it, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

8. The provisions of this section G shall not apply to:

(a) The manufacture of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

(b) The use of equipment for which other requirements are specified by subsections 1, 2, and 3, of this section G this regulation, or which are exempt from air pollution control requirements.

(c) The spraying or other employment of insecticides, pesticides, or herbicides.

(d) The employment, application, evaporation, or drying of saturated halogenated hydrocarbons, perchloroethylene, or trichloroethylene, provided the emission of organic materials is controlled to less than 40 pounds per day or 8 pounds per hour.

(e) The use of any material, in any existing article, machine, equipment or other contrivance described in subsections 1, 2, 3, or 4, of this section G or the use of any material in any new or substantially modified article, machine, equipment, or other contrivance described in these sections, if the organic solvent or any material containing organic solvent does not come into direct contact with flame, and if the total volatile content of the material is not photochemically reactive as defined in section 10 of this regulation, and it meets any one of the following conditions:

(i) The total volatile content contains not more than 20% by weight organic solvent, and the remainder consists only of water, or

(ii) the total volatile content does not exceed 20% by weight, and a substantial portion of which evaporates before reaching the first heated zone, or

(iii) the total volatile content does not exceed 5% by weight.

For the purposes of this section G, organic solvents include diluents and thinners and are defined as organic materials which are liquids at standard conditions and which are used as dissolvers, viscosity reducers or cleaning agents, except that such materials which exhibit a boiling point higher than 220°F at 0.5 millimeter mercury absolute pressure or having an equivalent vapor pressure shall not be considered to be solvents unless exposed to temperatures exceeding 220°F.

10. For the purposes of this Regulation No. 7, a photochemically reactive solvent is any solvent with an aggregate of more than 20 percent of its total weight composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total weight of solvent.

(a) A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

(b) A combination of aromatic compounds with eight or more carbon atoms to the molecule, except ethylbenzene: 8 percent;

(c) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

11. For the purposes of this section G, organic materials are defined as chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carboric acid, metallic carbides, metallic carbonates, and ammonium carbonate.

For the purpose of this section G the terms "baked, heat cured, or heat polymerized" refer to coatings and other organic solvent containing materials which:

(a) have been heated in devices in which the air temperature exceeds 175°F (80°C), and

(b) which have become insoluble in solvents in which they were soluble before being subjected to heat.

II. ARCHITECTURAL COATINGS:

1. No person may sell or offer for sale for use in containers of one quart capacity or larger, any architectural coating containing photochemically reactive solvent, as defined in subsection 10 of section G of this regulation.

2. No person may employ, apply, evaporate or dry any architectural coating, purchased in containers of one quart capacity or larger, containing photochemically reactive solvent, as defined in subsection 10 or section G of this regulation.

3. No person may thin or dilute any architectural coating with a photochemically reactive solvent, as defined in subsection 10 of section G of this regulation.

4. For the purposes of this section H, an architectural coating is defined as coating used for residential or commercial buildings and their appurtenances, or industrial buildings.

I. DISPOSAL AND EVAPORATION OF SOLVENTS:

No person may, during any one day, dispose of a total of 1 quart capacity or larger, any photochemically reactive solvent as defined in subsection 10 of section G of this regulation, or of any material containing 1 quart or more of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

L. EFFECTIVE DATE:

Except as otherwise stated in this regulation, said regulation shall become effective November 1, 1973, as to new sources of hydrocarbon vapor emissions and effective December 31, 1974 as to existing sources, except that acceptable compliance schedules and permit applications for all existing sources affected by this regulation must be received by the Division by no later than March 1, 1974.

# # # # #

NATIONAL PAINT AND COATINGS ASSOCIATION ■ 1500 RHODE ISLAND AVE., N.W. ■ WASHINGTON, D.C. 20005

COMMUNITY SERVICES BULLETIN

ROUTE TO:

Department		
Finance		
Administration		
Sales		
Technical		
Production		

No. 58

May 8, 1974

NEW JERSEY

On November 13, 1973, the Environemtnal Protection Agency proposed a Transportation Control Plan for portions of New Jersey. The original proposal for the control of hydrocarbons in northern New Jersey consisted of a "Rule 66" type regulation. However, during the rule making process for this Transportation Control Plan these provisions were substantially modified. The plan has now been finalized and requires overly restrictive control of every type of solvent emission. This new regulation Section 52.1596 titled "Volatile Organic Substances," fails to recognize any distinction between the photochemically reactive material of solvents and requires a control on all solvent emissions. Table 2 of this section shows the maximum allowable emission rates corresponding to any given potential emission rate. The allowable emissions result in an overall reduction of 85% or greater.

It appears that this Federal action was taken at the urging of the New Jersey state officials who are currently considering a similar control strategy for organic solvent emissions on the state level.

In accordance with the Clean Air Act requirements and following the recommendation of NPCA's Air Quality Task Force and Board ofDirectors, NPCA has filed a petition for Judicial Review in the appropriate Court of Appeals.

In addition NPCA has submitted supplemental comments to EPA requesting amendments to this regulation.

NPCA took this legal action in order to preserve their right to a full hearing on this regulation. Since issuing this regulation EPA, at the request of NPCA, has granted two temporary stays of the compliance schedule requirements. The latest temporary stay extends the date for proposed control plans or alternative compliance schedules from April 15, 1974 to June 15, 1974. The

date for signing of contracts or issuing orders has been changed from June 15, 1974 to August 15, 1974. NPCA considers this delay a significant decision since it maintains the status quo for a while longer, permitting EPA to consider our comments and make a decision as to whether the pertinent provisions of the New Jersey regulation will be retained in their current form or properly modified. If the decision is that they be retained in their current form, we will be compelled to proceed with Judicial Review. If the provisions in consideration are acceptably modified we will dismiss our court action. The appropriate sections (52.1596 and 52.1597) are attached for your review.

STATE OF NEW JERSEY

Following closely the action taken by the EPA for New Jersey, which they apparently initiated, the New Jersey Department of Environmental Protection has proposed Subchapter 16, "Control and Prohibition of Air Pollution from Volatile Organic Substances." Section 16.4, "Source Operations" would require the control of all organic solvent emissions. It makes no distinction between the various degrees of photochemical reactivity of different solvents. It places the major emphasis on in-plant control such as incineration or carbon adsorption by industrial paint users. This control strategy is identical to that found in the above mentioned EPA regulation. NPCA and a number of industry representatives offered testimony at the state public hearing in an effort to demonstrate that a strategy along the lines of Rule 66 as opposed to their Subchapter 16 proposal is the only viable strategy which can be implemented at this time. New Jersey officials are presently considering our comments. (Copy attached)

TEXAS

The EPA has promulgated a Transportation Control Plan for portions of the State of Texas. This regulation contains two provisions which would have an impact on our industry.

Section 52.2283, "Control of Volatile Carbon Compounds" would incorporate Texas Air Control Board Regulation V and EPA's amended Rule 501 of that regulation to include (in addition to those counties named therein) Bell, McLennan, Hardin, and Tarrant Counties of Texas.

Rule 505 of Regulation V, "Waste Gas Disposal" places restrictions on waste gas streams from any process vent containing one or more of the specific carbon compounds listed in this section. Most organic solvents used in paints would be found in this list. However, the exemptions listed in Section 505.23 are such, that most paint using operations would not be controlled. Only those very large emitters of the designated carbon compounds would be subject to the restrictions imposed by this regulation. Copies of the pertinent sections of Regulation V are attached.

Section 52.2292, "Regulation for Limitation of Highly Reactive Carbon Compound Emission Sources," which is applicable in the Houston-Galveston Interstate Region, would require new or modified stationary sources to conform to provisions similar to Appendix B of the August 14, 1971 Federal Guidelines. This provision is unworkable for the paint and coatings industry because it doesn't provide the solvent flexibility needed to formulate paint products. This provision would become effective May 31, 1975.

NPCA has also filed a Petition for Judicial Review of this section of the Texas plan and in addition has filed supplemental comments to EPA requesting amendments to this provision. As a result of numerous discussions with the EPA we have received a communication from the Office of Enforcement and General Counsel that Section 52.2292, which imposes control requirements on new reactive carbon compound emission sources, was not intended to control coatings processes. It is the intention of EPA to amend this regulation to set forth clearly that paint coatings sources are not covered by the provisions of this regulation. When these amendments are granted, if they are found to be acceptable, NPCA's Petition for Judicial Review will be withdrawn. (Copy attached)

* * * * *

NEW JERSEY

§ 52.1596 Volatile organic substances.

(a) Definitions:

(1) "Organic materials" means chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate and having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions, including but not limited to petroleum fractions, petrochemicals and solvents.

(2) "Potential emission rate" means the mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

(3) "Maximum allowable emission rate" means the maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions. Compliance with the requirements of this section shall be in accordance with the provisions of § 52.1597, except as otherwise noted.

(c) A person shall not emit into the atmosphere organic materials, including organic solvents, from any article, machine, equipment or other contrivance unless said discharge conforms with the limitations set forth in Table 2.

(d) Emissions from any article, machine, equipment or other contrivance where the organic materials have come into contact with flame or are baked, heatcured, or heat polymerized, at temperatures of 180° F and greater in the presence of oxygen, shall be the same as those set forth in Table 2 with the following exceptions:

(1) Sources with potential emission rates between 20 lbs/hr and 50 lbs/hr shall achieve an 85 percent reduction in the potential emission rate.

(2) Sources with a potential emission rate of 20 lbs/hr or less shall have a maximum allowable emission rate of not more than 3 lbs/hr.

TABLE 2

EMISSION OF VOLATILE ORGANIC SUBSTANCES
(lb/hour)

Potential Emission Rate:	*Maximum allowable emission rate*
50 or less	8
100	15
500	75
1,000	150
2,500 or greater	200

NOTE: (1) For the requirements of Table 2, the potential emission rate shall be the sum of the potential emission rates of all source operations discharging through a single stack or chimney.

(2) For a potential emission rate between any two consecutive emissions rates stated in Table 2, the maximum allowable emission rate shall be determined by linear interpolation.

(e) Those portions of any series of articles, machines, equipment, or other contrivances designed for processing a continuous web, strip, or wire, which emit organic materials and use operations described in this section, shall be collectively subject to compliance with this section.

(f) Emissions of organic materials to the atmosphere from the cleanup with organic materials of any article, machine, equipment, or other contrivance described in paragraph (c) of this section shall be included with the other emissions of organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere required to be controlled by paragraphs (c) and (f) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Other means determined by the Administrator, to be not less effective than paragraph (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install and maintain in calibration, in good working order and in operation, devices as specified by the authority to construct or the permit to operate, or as specified by the Administrator for indicating temperatures, pressures, rates of flow, or other operating conditions necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic materials or any substances containing organic materials shall supply the Administrator, upon request and in the manner and form prescribed by him, written evidence of the chemical composition, physical properties, and amount consumed for each organic material used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents of material containing organic solvents.

(2) The use of equipment for which requirements are specified by § 52.1595 and § 52.1598.

(3) The spraying or other employment of insecticides, pesticides, or herbicides.

(4) The use of any material, in any article, machine, equipment, or other contrivance described for the application of surface coatings, in paragraphs (c) and (f) of this section, if:

(i) The volatile content of such material consists only of water and organic solvents, and

(ii) The organic solvents comprise not more than 20 percent by volume of said volatile content, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame, and

(iv) The emissions of organic solvents are not in excess of 200 pounds per hour.

(5) The use of any material, in any article, machine, equipment or other contrivance described in paragraphs (c) and (f) of this section, for the application of surface coatings, if:

(i) The organic solvent content of such material does not exceed 20 percent by volume of said material, and

(ii) More than 50 percent by volume of such volatile material is evaporated before entering a chamber heated above ambient application temperature, and

(iii) The organic solvent or any material containing organic solvent does not come into contact with flame, and

(iv) the emissions of organic solvents are not in excess of 200 pounds per hour.

(6) The use of any material, in any article, machine, equipment or other contrivance, described in paragraphs (c) and (f) of this section, for the application of surface coatings, if:

(i) The organic solvent content of such material does not exceed 5 percent by volume of said material, and

(ii) The organic solvent of any material containing organic solvent does not come into contact with flame, and

(iii) The emissions or organic solvent are not in excess of 200 pounds per hour.

(k) For the purposes of this section, organic solvents include diluents and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(l) This section shall be effective on the date of its adoption as to any article, machine, equipment, or other contrivance not then completed and put into service. As to all other articles, machines, equipment, or other contrivances, this section shall be effective in accordance with § 52.1597.

§ 52.1597 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of §§ 52.1594, 52.1595, and 52.1596 shall comply with the compliance schedule in paragraph (b) of this section.

(b) (1) On or before February 15, 1974, submit to the Administrator a final control plan that describes at a minimum the steps that must be taken by the source to achieve compliance with the sections cited in paragraph (a) of this section.

(2) On or before April 15, 1974, negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of component parts to accomplish emission control or process modification.

(3) On or before July 1, 1974, initiate on-site construction or installation of emission control equipment or process modification.

(4) On or before April 1, 1975, complete on-site construction or installation of emission control equipment or process modification.

(5) On or before May 31, 1975, achieve final compliance with the applicable sections cited in paragraph (a) of this section.

(6) Any owner or operator of stationary sources subject to the compliance schedule in this paragraph shall certify to the Administrator, within 5 days after the deadline for each increment of progress, whether or not the required increment of progress has been met.

(c) Paragraph (b) of this section shall not apply to:

(1) A source which is presently in compliance with the sections cited in paragraph (a) of this section and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

(2) A source for which a compliance schedule is adopted by the State and approved by the Administrator.

(3) A source whose owner or operator submits to the Administrator, by February 15, 1974, a proposed alternative schedule. No such schedule may provide for compliance after May 31, 1975. If promulgated by the Administrator such schedule shall satisfy the requirements of this section for the affected source.

(d) Nothing in this section shall preclude the Administrator from promulgating a separate schedule for any source to which the application of the compliance schedule in paragraph (b) of this section fails to satisfy the requirements of § 51.15(b) and (c) of this chapter.

NEW JERSEY ADMINISTRATIVE CODE
PROPOSED SUBCHAPTER 16

CONTROL AND PROHIBITION OF AIR POLLUTION FROM VOLATILE ORGANIC SUBSTANCES

7:27-16.1 Definitions

The following words and terms, when used in this Subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

"Air contaminant" means solid particles, liquid particles, vapors or gases which are discharged into the outdoor atmosphere.

"Conservation vent device" means any device designed and used to reduce evaporation losses of volatile organic substances by limiting the amount of air admitted to, or vapors released from, the vapor space of a closed storage vessel.

"Control apparatus" means any device which prevents or controls the emission of any air contaminant.

"Department" means the Department of Environmental Protection.

"Diurnal temperature differential" means the difference between the highest temperature and lowest temperature occurring in any consecutive 24 hour period.

"Equipment" means any device capable of causing the emission of an air contaminant into the open air, and any stack, chimney, conduit, flue, duct, vent or similar device connected or attached to, or serving the equipment. This shall include equipment in which the preponderance of the air contaminants emitted is caused by the manufacturing process.

"Fill pipe" means a device through which liquid is transferred into a receiving vessel.

"Floating roof" means a pontoon type or double-deck type roof resting on the surface of the liquid contents in a storage vessel, and equipped with a mechanism providing a tight seal in the space between the roof rim and the vessel shell throughout the entire vertical travel distance of the roof, or any other floating type mechanism approved by the Department for the purpose of preventing air contaminants from being discharged into the outdoor atmosphere.

"Gasoline" means any petroleum distillate having a Reid vapor pressure of 4 pounds per square inch absolute or greater.

"Gasoline dispensing system" means any system designed and/or used for transferring gasoline by power other than manual from a storage or transport facility directly into the fuel tank of a gasoline-fueled motor vehicle.

"Liquid particles" means particles which have volume but are not of rigid shape and which upon collection tend to coalesce and create uniform homogeneous films upon the surface of the collecting media.

"Manufacturing process" means any action, operation or treatment embracing chemical, industrial, manufacturing, or processing factors, methods or forms including, but not limited to, furnaces, kettles, ovens, converters, cupolas, kilns, crucibles, stills, dryers, roasters, crushers, grinders, mixers, reactors, regenerators, separators, filters, reboilers, columns, classifiers, screens, quenchers, cookers, digesters, towers, washers, scrubbers, mills, condensers or absorbers.

"Maximum allowable emission rate" means the maximum amount of an air contaminant which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

"Motor vehicle" means all vehicles propelled otherwise than by muscular power, excepting such vehicles as run only upon rails or tracks.

"Organic substance" means any chemical compound or mixture of chemical compounds of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbonates, metallic carbides and ammonium carbonate.

"Particles" means any material, except uncombined water, which exists in a finely divided form as liquid particles or solid particles at standard conditions.

"Potential emission rate" means the mass rate of air contaminants emitted or to be emitted through a stack or chimney into the outdoor air exclusive of any type of control apparatus.

"Solid particles" means particles of rigid shape and definite volume.

"Source operation" means any process or any identifiable part thereof emitting air contaminants into the outdoor atmosphere through one or more stacks or chimneys. For purposes of this definition identical processes shall be considered as separate source operations.

"Stack or chimney" means a flue, conduit or opening designed and constructed for the purpose of emitting air contaminants into the outdoor air.

"Standard conditions" means or shall be 70°F and one atmosphere pressure (14.7 psia or 760 mm Hg).

"Submerged fill pipe" means a fill pipe whose point of discharge into the receiving vessel is entirely submerged when the liquid level is no greater than 6 inches above the vessel bottom or, in the case of a top or side entering fill pipe, when the liquid level is no greater than three times the inside radius of the fill pipe plus 5 inches, but not more than 42 inches, above the vessel bottom.

"Vapor recovery system" means a system of preventing the emission of organic vapors into the outdoor air by collecting and recovering 90% by weight or greater of such vapors.

"Volatile organic substance" means any organic substance having a vapor pressure of 0.02 pounds per square inch absolute or greater at standard conditions including but not limited to petroleum crudes, petroleum fractions, petrochemicals, solvents, diluents and thinners

7:27-16.2 Storage of Volatile Organic Substances

(a) No person shall store a volatile organic substance in any stationary storage tank, reservoir or vessel having a maximum horizontal cross-sectional area of 25 square feet or greater unless such tank, reservoir or vessel is equipped with an evaporation control device to prevent the emission of organic substances into the outdoor air as set forth in Table 1 or as approved by the Department as being equal or more effective in preventing the emission of organic substances into the outdoor air.

Table 1

MAXIMUM HORIZONTAL CROSS-SECTIONAL AREA (Square Feet)	VAPOR PRESSURE OF VOLATILE ORGANIC SUBSTANCE (Pounds per Square Inch Absolute at 100°F)	EVAPORATION CONTROL DEVICE
220 or greater	Less than 1.5	Conservation vent device
	1.5 to 11.0	Floating roof
	Greater than 11.0	Vapor recovery system
Greater than 100 but less than 220	Less than 5.0	Conservation vent device
	5.0 to 11.0	Floating roof
	Greater than 11.0	Vapor recovery system
25 to 100	8.0 to 13.0	Conservation vent device
	Greater than 13.0	Vapor recovery system

(b) No person shall store a volatile organic substance having a vapor pressure of 13.0 pounds per square inch absolute at actual storage conditions or greater in any stationary storage tanks, reservoir or vessel having a maximum horizontal cross-sectional area of 25 square feet or greater unless such tank, reservoir or vessel is equipped with a vapor recovery system or other evaporation control device approved by the Department as being equal or more effective in preventing the emission of volatile organic substances into the outdoor air.

(c) No person shall store a volatile organic substance having a vapor pressure of 1.5 pounds per square inch absolute or greater at 100°F in any tank, reservoir or vessel equipped with gauging and/or sampling systems unless such systems are gas-tight when gauging and/or sampling is not taking place.

(d) The provisions of subsections (a) and (b) of this Section shall not apply to a stationary storage tank, reservoir or vessel

1. located under ground at a depth of no less than eight inches below the surface or
2. whose contents undergo a diurnal temperature differential not in excess of 7°F.

7:27-16.3 Transfer Operations

(a) No person shall transfer any volatile organic substance into a stationary or mobile receiving vessel of greater than 2,000 gallon capacity unless such receiving vessel is equipped with a vapor recovery system or other evaporation control device approved by the Department to prevent the emission of organic substances into the outdoor air during transfer.

(b) No person shall transfer gasoline into a stationary or mobile receiving vessel of greater than 550 gallon capacity unless such receiving vessel is equipped with a submerged fill pipe and a vapor recovery system or other evaporation control device approved by the Department to prevent the emission of gasoline vapors into the outdoor air during transfer.

(c) No person shall transfer gasoline into or transport gasoline in a mobile delivery vessel of greater than 2,000 gallon capacity unless such delivery vessel is vapor-tight.

(d) No person shall transfer gasoline to an automotive fuel tank from a gasoline dispensing system except through a fill nozzle, or other mechanism, approved by the Department for preventing the emission of gasoline vapors into the outdoor air by

1. maintaining a vapor-tight fit with the receiving fuel tank during transfer,

2. collecting and recovering no less than 90% by weight of the gasoline vapors displaced from the receiving fuel tank during transfer and

3. preventing spillage of gasoline from the receiving fuel tank and/or the fill nozzle during transfer and disconnection.

7:27-16.4 Source Operations

(a) No person shall cause, suffer, allow or permit volatile organic substances from a source operation to be emitted through any stacks or chimneys into the outdoor air in excess of the maximum allowable emission rate as determined from Table 2. For a potential emission rate between any two consecutive potential emission rates stated in Table 2, the maximum allowable emission rate shall be determined by linear interpolation.

Table 2

POTENTIAL EMISSION RATE (Pounds per hour)	MAXIMUM ALLOWABLE EMISSION RATE (Pounds per hour)
50 or less	8
100	15
500	75
1000	150
2500 or greater	200

NOTE: Potential emission rate shall be the sum of potential emission rates of all source operations discharging through a single stack or chimney

Draft: April 2, 1973

REGULATION V

CONTROL OF AIR POLLUTION FROM VOLATILE CARBON COMPOUNDS

Rule 501. **Regulation V shall apply only in the following counties: Aransas, Bexar, Brazoria, Calhoun, Dallas, El Paso, Galveston, Harris, Jefferson, Matagorda, Montgomery, Nueces, Orange, San Patricio, Travis and Victoria.**

Rule 505. **Waste Gas Disposal.**

505.1 **No person shall emit in any consecutive 24 hour period more than 100 lbs. of ethylene in a waste gas stream from an ethylene producing or consuming plant under normal operating conditions unless the waste gas stream is burned properly at a temperature equal to or greater than 1300°F in a smokeless flare or a direct-flame incinerator.**

505.2 No person shall emit a waste gas stream from any process vent containing one or more of the specific carbon compounds listed in Rule 505.21 or one or more compounds which are members of one or more of the classes of carbon compounds listed in Rule 505.22 unless the waste gas stream is burned properly at a temperature equal to or greater than 1300°F in a smokeless flare or a direct-flame incinerator before it is allowed to enter the atmosphere; alternate means of control may be approved by the Executive Secretary in accordance with Rule 506.

505.21 Emission of the following specific carbon compounds shall be regulated under Rule 505.2:

Butadiene	Isoprene
Isobutylene	Propylene
Styrene	α-Methyl-Styrene

505.22 Emissions of the following classes of carbon compounds shall be regulated under Rule 505.2:

Aldehydes	Amines
Alcohols	Acids
Aromatics	Esters
Ethers	Ketones
Olefins	Sulfides
Peroxides	Branched chain hydrocarbons (C_8 and above)

505.23 The following waste gas streams are exempt from the requirements of Rule 505.2:

505.231 A waste gas stream having a combined weight of the carbon compounds or classes of compounds specified in 505.21 and 505.22 equal to or less than 100 lbs. in any consecutive 24 hour period.

505.232 A waste gas stream having a combined weight of the carbon compounds or classes of compounds specified in 505.21 and 505.22 greater than 100 lbs. in any consecutive 24 hour period but less than 250 lbs. per hour averaged over any consecutive 24 hour period and having an aggregate partial pressure of the carbon compounds specified in 505.21 and 505.22 less than .44 psia.

505.3 No person shall emit in any one calendar year more than five (5) tons of total carbon compounds excluding methane in a waste gas stream from any catalyst regeneration of a petroleum or petrochem basic oxygen furnace, or flu ere unless the waste gas erature equal to or greater erator or boiler.

eam from any iron cupola gas stream is properly greater than 1300°F in an of at least one-fourth dy flame that is not lights automatically if

s shall be burned in a more of the following

505.51 To preheat the blast air before injection into the furnace through the tuyeres;

505.52 For steam generation;

505.53 For the heating of soaking pits;

505.54 For the underfiring of coke ovens;

505.55 For other miscellaneous heating uses.

505.6 Rule 505 is not intended to require incineration as an exclusive method of control. In no event shall a waste gas stream be incinerated if the incineration will have no practical effect in reducing the emission of air contaminants or will result in an actual degradation of air quality. In all such cases, application shall be made to the Executive Secretary for approval of an alternate method of control. The Executive Secretary shall approve such alternate method if it represents the best available alternative having due regard for the intent of Rule 505 and the effect of the emissions on ambient air quality.

Rule 506. Any person affected by any section of this Regulation may request the Executive Secretary to approve alternate means of control. The Executive Secretary shall approve such alternate means of control if it can be demonstrated that such control will be substantially equivalent to the methods of control approved by this Regulation.

Rule 507. The Executive Secretary, after consultation with appropriate local governmental agencies, may exempt specific compounds or a specific waste gas stream from the application of this Regulation if it can be demonstrated that the emissions from the compound or specific waste gas stream will not make a significant contribution of air contaminants in the atmosphere.

Rule 508. Compliance.

508.1 Any person affected by Rule 502.1 hereof with regard to the storage of a volatile carbon compound in a container having a capacity in excess of 50,000 gallons; any person affected by Rule 502.2 hereof; any person affected by Rule 503 hereof; any person affected by Rule 504 hereof; any person affected by Rule 505.1 hereof with regard to a waste gas stream from an ethylene producing plant; any person affected by Rule 505.3 hereof with regard to catalyst regeneration of a petroleum

cracking system, and any person affected by Rule 505.4 or 505.5 shall be in compliance therewith as soon as practicable, but not later than December 31, 1973. Any person who has not previously submitted to the Texas Air Control Board a written report on his compliance status, including but not limited to, the minimum time required to design, procure, install, and test abatement equipment and procedures shall do so immediately. In addition, all persons affected by Rule 508.1 shall submit progress reports to the Board every four months commencing in May of 1973 until compliance is achieved.

508.2 All persons affected by this Regulation except as provided in Rule 508.1, shall be in compliance herewith as soon as practicable, but not later than May 31, 1975; and shall submit to the Texas Air Control Board not later than December 31, 1973 a final control plan for compliance detailing the method to be followed to achieve compliance and specifying the exact dates upon which the following steps shall be taken to achieve compliance:

508.21 Dates by which contracts for emission control systems or process modifications will be awarded; or dates by which orders will be issued for the purchase of component parts to accomplish emission control or process modification;

508.22 Date of initiation of on-site construction or installation of emission control equipment or process change;

508.23 Date by which on-site construction or installation of emission control equipment or process modification is to be completed;

508.24 Date by which final compliance is to be achieved.

508.3 All persons affected by Rule 508.2 shall not deviate from the terms of such final control plans including the date for final compliance and the dates for accomplishing the required steps in such plans. The Executive Secretary may, upon application of any person affected, change the date for accomplishing the required steps in a plan, provided such change is not likely to affect the achievement of

the final compliance date specified in such plan. Within five (5) days after completion of each of the required steps listed in 508.21 through 508.24, the person submitting the plan shall so notify the Executive Secretary in writing.

Rule 509. The rules contained in this Regulation shall be in force immediately and shall supersede Regulation V on Control of Air Pollution from Volatile Organic Compounds and Carbon Monoxide which became effective on March 5, 1972 and was amended on August 31, 1972.

Date Adopted: 4/10/73

Date Filed with Secretary of State: _____

Date Effective: _____

(b) The provisions of subsection (a) of this Section shall not apply to a stack or chimney discharging air contaminants into the outdoor air from the application of a surface coating containing no more than 20% by weight of volatile organic substances when applied to the surface being coated, or other coating process approved by the Department to prevent the emission of organic substances into the outdoor air, provided such emissions are not in excess of 200 pounds per hour of volatile organic substances.

(c) The provisions of subsection (a) of this Section shall not apply until January 1, 1975 to a stack or chimney discharging air contaminants into the outdoor air from the application of a surface coating containing no more than 30% by weight of volatile organic substances when applied to the surface being coated, or other coating process approved by the Department to prevent the emission of organic substances into the outdoor air, provided such emissions are not in excess of 200 pounds per hour of volatile organic substances.

7:27-16.5 Odors

(a) No person shall cause, suffer, allow or permit to be emitted into the outdoor air volatile organic substances which will result in odors detectable by sense of smell in any area of public use or occupancy off the premises for a period in excess of three minutes total in any consecutive 30 minute period, notwithstanding compliance with the requirements of Sections 16.2, 16.3 and 16.4 of this Subchapter.

7:27-16.6 Emission Tests

(a) Any person responsible for the emission of volatile organic substances shall, upon request of the Department, provide such sampling facilities and testing facilities exclusive of instrumentation and sensing devices as may be necessary for the Department to determine the nature and quantity of volatile organic substances being emitted into the outdoor air. During such testing by the Department, the equipment and all components connected, or attached to or serving the equipment shall be used and operated under normal routine operating conditions or under such other conditions as may be requested by the Department. The facilities may be either permanent or temporary, at the discretion of the person responsible for their provision and shall conform to all applicable laws and regulations concerning safe construction and safe practice.

(b) Any person responsible for the emission of volatile organic substances shall, when requested by the Department, provide the facilities and necessary equipment for determining the quantity and identity of volatile organic substances emitted into the outdoor air through a stack or chimney and shall conduct such tests using methods approved by the Department. Test data shall be recorded in a permanent log at such time intervals as specified by the Department and shall be maintained for a period of not less than two years and shall be available for review by the Department.

7:27-16.7 Variances

(a) Whenever a person responsible for the emission of volatile organic substances believes that advances in the art of control for the kind and amount of volatile organic substances emitted has not developed to a degree which would enable the requirements of Sections 16.2, 16.3 and 16.4 of this Subchapter to be attained, he may apply to the Department for a variance setting forth his reasons and justifications. The Department may issue a variance and such variance shall be valid for a period not to exceed one year from the date of issuance and may be renewed upon application to the Department setting forth reasons and justifications for its continuation. Variances issued under the provisions of this section shall be conditional on the compliance with any requirements which the Department deems to be necessary.

(b) Any person aggrieved by the denial by the Department of a variance authorized by this section may, upon application made within 15 days after notice thereof, be entitled to a hearing before the Department upon at least 15 days written notice. Within 30 days after such hearing the Department shall issue a notice amending, affirming or rescinding its previous action.

7:27-16.8 Permit To Construct and Certificate To Operate

(a) No person shall construct or install any new equipment, or any new control apparatus, or alter any existing equipment or control apparatus from which volatile organic substances are emitted into the outdoor air without first having obtained a "Permit to Construct, Install or Alter Control Apparatus or Equipment" from the Department, in accordance with the provisions of Subchapter 8 (Permits and Certificates) of this Chapter.

(b) No person shall use or cause to be used any new or altered equipment, or any new or altered control apparatus from which volatile organic substances are emitted into the outdoor air without first having obtained a "Certificate to Operate Control Apparatus or Equipment" from the Department, in accordance with Subchapter 8 (Permits and Certificates) of this Chapter.

(c) No person shall use or cause to be used any equipment from which volatile organic substances are emitted into the outdoor air unless all components connected, or attached to, or serving the equipment, including control apparatus, are functioning properly and are in use.